	Application No.	Applicant(s)
Notice of Allowability	09/872,456	CLICK ET AL.
	Examiner	Art Unit	
	Chuck Kendall	2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *12/17/04*.

2. ☒ The allowed claim(s) is/are *1-5,7-14 and 16-22 now renumbered 1 - 20*.

3. ☒ The drawings filed on *05/31/01* are accepted by the Examiner.

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some*   c)☐ None   of the:

    1. ☐ Certified copies of the priority documents have been received.

    2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

    * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

    (a)☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

        1)☐ hereto or 2)☐ to Paper No./Mail Date _____ .

    (b)☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of

    Paper No./Mail Date _____ .

    Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)

3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date *12/27/2004*

4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☒ Interview Summary (PTO-413), Paper No./Mail Date *05/13/05* .

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____ .

Examiner's Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Leonard Hayman registration number (40418) on 05/13/2005.

The application has been amended as follows:

IN THE SPECIFICATIONS:

On page 1, line 10 the blank space should be filled by 09/872458.

On line 11, delete [system and method for],

On page 2, line 16 replace "Java" with JAVA

On page 2, line 18 replace "Java" with JAVA

On page 2, line 20 replace "Java" with JAVA

On page 3, line 1 replace "Java" with "JAVA"

On page 3, line 3 replace "Java" with "JAVA"

On page 3, line 4 replace "Java" with <u>JAVA</u>

On page 3, line 5 replace "Java" with <u>JAVA</u>

On page 3, line 6 replace "Java" with <u>JAVA</u>

On page 3, line 7 replace "Java" with <u>JAVA</u>

On page 3, line 10 replace "Java" with <u>JAVA</u>

On page 3, line 11 replace "Java" with <u>JAVA</u>

On page 3, line 12 replace "Java" with <u>JAVA</u>

On page 3, line 13 replace "Java" with <u>JAVA</u>

On page 3, line 14 replace "Java" with <u>JAVA</u>

On page 3, line 15 replace "Java" with <u>JAVA</u>

On page 3, line 16 replace "Java" with <u>JAVA</u>

On page 3, line 17 replace "Java" with <u>JAVA</u>

On page 3, line 18 replace "Java" with <u>JAVA</u>

On page 3, line 19 replace "Java" with <u>JAVA</u>

On page 3, line 20 replace "Java" with <u>JAVA</u>

On page 3, line 21 replace "Java" with <u>JAVA</u>

On page 4, line 1 replace "Java" with <u>JAVA</u>

On page 4, line 2 replace "Java" with <u>JAVA</u>

On page 4, line 6 replace "Java" with <u>JAVA</u>

On page 10, line 8 replace "Java" with <u>JAVA</u>

On page 10, line 9 replace "Java" with <u>JAVA</u>

On page 10, line 11 replace "Java" with <u>JAVA</u>

On page 10, line 13 replace "Java" with JAVA

On page 10, line 14 replace "Java" with JAVA

On page 10, line 17 replace "Java" with JAVA

On page 10, line 21 replace "Java" with JAVA

On page 11, line 2 replace "Java" with JAVA

On page 11, line 2 replace "Java" with JAVA

On page 11, line 7 replace "Java" with JAVA

On page 11, line 11 replace "Java" with JAVA

On page 11, line 17 replace "Java" with JAVA

On page 12, line 8 replace "Java" with JAVA

On page 12, line 21 replace "Java" with JAVA

On page 13, line 2 replace "Java" with JAVA

On page 13, line 11 replace "Java" with JAVA

IN THE CLAIMS:

1. Please amend claim 10.

Claim 10 (currently amended)

    At line 3, before "the interpreter," insert determining if native code is available

that corresponds to the byte code; executing the native code when the native code is

available; when the native code is not available, incrementing a counter;

Reasons for Allowance

2.   Examiner has reviewed Applicants comments as indicated on pages 8 – 10 of
Applicant's amendment dated 12/17/2004 and withdraws the previous rejection. Per
Applicant's comments claims 1 – 5, 7 – 14, and 16 – 22, are now in condition for
allowance.

The following is an Examiner's statement of reasons for allowance.

A method for executing a computer program using a dynamic compiler system,
the method comprising:

"…when the native code is not available, incrementing a counter; when the
counter is less than a threshold value, interpreting the byte code; and

when the counter is greater than the threshold value, compiling a subroutine
containing the byte code ", as best illustrated by figure 2, and in such a manner as
recited in independent claims 1, 10 and 16 and as pointed out in page 7, last paragraph
of Applicant's response.

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Chuck Kendall whose telephone number is 571-272-
3698. The examiner can normally be reached on 10:00 am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tuan Dam can be reached on 571-272-3695. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Ck.

Chameli C-D m
CHAMELI C. DAS
PRIMARY EXAMINER
5/16/05